

REMARKS

The Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Formal Matters

Claims 1-17 are pending after entry of the amendments set forth herein.

Claim 1 has been amended to incorporate the element of Claim 5 and specify a "choosing means comprising a context menu". Support for this amendment may be found in claim 5 as originally filed and in the specification at page 5, lines 12-33 and page 7, lines 30-34.

Claim 11 has been amended to incorporate the element of Claim 12 and specify "displaying choosing means comprising a context menu". Support for this amendment may be found in claim 12 as originally filed and in the specification at page 5, lines 12-33 and page 7, lines 30-34.

Claims 5 and 12 are cancelled.

As the above amendments introduce no new matter, their entry by the Examiner is respectfully requested.

Claim Rejections – 35 USC §102

Claims 1-9 and 11-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schwartz et al. ("Schwartz", U.S. 2005/0039139). Specifically, the Office alleges that Schwartz et al. discloses a linked two-paned user interface and a computer system which anticipates the claimed invention.

For a rejection of claims under §102 to be properly founded, the Office must establish that a single prior art reference either expressly or inherently discloses each and every element of the claimed invention. *See, e.g. Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In *Scripps Clinic & Research Found. v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991), the Federal Circuit held that:

"Invalidity for anticipation requires that **all of the elements and limitations** of the claim are found within a single prior art reference.... There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Id.* at 1010.

Anticipation cannot be found, therefore, unless a cited reference discloses all of the elements, features or limitations of the presently claimed invention. Applicants respectfully traverse the rejection and submit that Schwartz et al. fails to teach all of the elements of claims 1-9 and 11-17.

Without any intention to acquiesce to the veracity of the rejection and solely to expedite prosecution, Claim 1 has been amended to recite "choosing means comprising a context menu for choosing a displayed display area and/or screen in which the further information relating to the selected information object will be displayed" and Claim 11 has been amended to recite "displaying choosing means comprising a context menu".

In making this rejection, the Office again alleges that the "choosing means" elements of the claimed invention are disclosed in paragraphs [0027], [0054] – [0056] and in Figures 7- 9, of the Schwartz reference. (See Office Action dated February 11, 2009 at pages 2-3, item 4).

The Applicants respectfully submit that in view of the above amendments, Schwartz does not teach the element of "choosing means comprising a context menu" as claimed. These "choosing means" elements are described throughout the specification (e.g., see Figures 3 and 4, and the specification on page 5 at lines 12-33 and page 7 at lines 30-34).

Paragraph [0027] of Schwartz discloses a "linked, two-paned interface for selecting and administering objects" using a design that "logically and visibly separates the selection and administration workflow from the user's point of view" and "the UI may allow the user to view a list of objects, create a new instance of an object, administer an existing object, or delete an object". A "selection" window

allows the user to perform an action on an object or set of objects and the "administration" window displays "all the properties of the selected object, allows that object to be changed, and allows changes made by the user to be either saved or cancelled".

The Applicants respectfully submit that the "linked, two-paned interface for selecting and administering objects" discussed in paragraph [0027], does not teach "a choosing means comprising a context menu to choose a display area and/or screen in which further information relating to the selectable information object will be displayed". The user interface as claimed is distinct from the two-paned user interface asserted in Schwartz because after selecting an object in the claimed invention, the user must use "choosing means" to **choose from a context menu** a display area to display the information related to the selected object. Schwartz discloses a two-paned user interface for the "selection" and "administration" of objects, but does not teach the step of choosing from a context menu, where information about the objects will be displayed.

Similarly, the Office asserts that the "choosing means" elements are disclosed in paragraph [0055] and Figure 8 of Schwartz which "illustrates a select/administer UI for electronic assets. The UI includes an asset selection window 800 and an asset administration window 802".

As argued above, the Applicants submit that the "select/administer UI for electronic assets" discussed in paragraph [0055] and illustrated in Figure 8 does not teach "choosing means comprising a context menu" as claimed. Window 800 and 802 of Figure 8 are linked such that information inputted into the "Asset Administration" window 802 will be displayed in window 800. Likewise, selection of an object in "Select an Asset" window 800 brings up the information for that object (asset) in window 802. An object selected in either window results in the display of information in a **predetermined** window. Thus, the user interface in Schwartz illustrated by Figure 8 and described in paragraph [0055], does not teach "choosing means comprising a context menu" such that a user must **choose from the context**

menu where the further information relating to the selected information object will be displayed.

The Office further alleges that the "choosing means" elements of the claimed invention are illustrated by Figure 7 and in paragraph [0054]. In Figure 7, two different computers each show a selection window containing a selectable object 402 and an administration window showing an attribute 404 of the selected object 402.

The Applicants submit that although the two computers show the same attribute 404 of the selected object 402, and changes in the attribute 404 saved on one of the computers will be reflected on the other computer, Schwartz does not disclose that upon selecting an object, a user must choose from a context menu, a display area (window and/or screen) using "choosing means comprising a context menu" to display the information relating to the selected object.

The Office also asserts, that "the step for displaying the choosing means comprises steps for displaying a context menu" is disclosed in Schwartz by Figure 9, and in paragraph [0056]. Schwartz discloses in paragraph [0056] an "interface for selecting and administering a workstation" and this "allows the user to add an asset to the list of assets associated with the workstation". Schwartz also notes that selection window 800 which is displayed after a user "has clicked an 'Add' button 902" allows the user to change, delete or input information into one of the current windows.

The Applicants submit that "choosing means comprising a context menu" is distinct from a user clicking "an 'Add' button 902" to display "selection window 800". Indeed, the claimed invention entails a user to employ "choosing means comprising a context menu" to choose from the context menu where information related to a selected object will be displayed. The "Add button 902" disclosed in Schwartz neither comprises a context menu, nor requires a user to "choose a display area and/or screen" from the context menu to display information related to selected

object. To the contrary, clicking “Add button **902**” displays “selection window **800**” in a **predetermined** window.

Thus, the Applicants submit that Schwartz fails to teach the element of “choosing means comprising a context menu” as claimed.

Accordingly, since Schwartz does not teach each and every element of Claims 1-9 and 11-17, the Applicants respectfully request withdrawal of this rejection. ‘

Claim Rejection – 35 USC §103

Claim 10 has been rejected under 35 U.S.C. § 103(a) as allegedly obvious over Schwartz *et al.* (“Schwartz”, U.S. 2005/0039139) in view of Yasuda (“Yasuda”, U.S. Patent No. 5,974,384). The Applicants respectfully traverse this rejection.

In order to meet its burden in establishing a rejection under 35 U.S.C. §103, the Office must first demonstrate that a prior art reference, or references when combined, teach or suggest all claim elements. See, e.g., *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740 (2007); *Pharmastem Therapeutics v. Viacell et al.*, 491 F.3d 1342, 1360 (Fed. Cir. 2007); MPEP § 2143(A)(1). In addition to demonstrating that all elements were known in the prior art, the Office must also articulate a reason for combining the elements. See, e.g., *KSR* at 1741; *Omegafflex, Inc. v. Parker-Hannifin Corp.*, 243 Fed. Appx. 592, 595-596 (Fed. Cir. 2007) citing *KSR*. Further, the Supreme Court in *KSR* also stated that that “a court *must* ask whether the improvement is more than the predictable use of prior art elements according to their established functions.” *KSR* at 1740; emphasis added. As such, in addition to showing that all elements of a claim were known in the prior art and that one of skill had a reason to combine them, the Office must also provide evidence that the combination would be a predicted success.

In making this rejection, the Office asserts that Schwartz teach all of the elements as expressly recited in claim 1. The Office acknowledges that Schwartz

fail to teach that "the choosing means are adapted to interpret auditive or spoken commands" as claimed.

To remedy this deficiency, the Office cites Yasuda, for its asserted teaching of a "display device that allows user to control windows using voice-input commands", asserting that "it would have been obvious to an artisan at the time of the invention to include Yasuda's teachings in Schwartz's user interface in an effort to improve control efficiency and thus saving user time".

Claim 10 depends from claim 1 and thus includes the element of "choosing means comprising a context menu for choosing a displayed display area and/or screen in which the further information relating to the selected information object will be displayed". As discussed above, Schwartz fails to teach "choosing means comprising a context menu for choosing a displayed display area and/or screen in which the further information relating to the selected information object will be displayed". The Applicants further submit that Schwartz fails to suggest this element of the claimed invention. Indeed, Schwartz specifically teaches that the selection of an object in a window results in the display of further information in a **predetermined** window (see, e.g., paragraph [0055] and Figure 8 of Schwartz). Since the further information is automatically displayed in a **predetermined** window, it obviates the need for a user to choose from a context menu a display area and/or screen to display the further information.

As Yasuda is merely cited for its asserted teaching of a "display device that allows user to control windows using voice-input commands" this reference fails to remedy the deficiencies in the teachings of Schwartz.

In view of the arguments above, Applicants submit that Claim 10 is not obvious over Schwartz in view of Yasuda. Withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the arguments above, Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Office finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 327-3400.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ARSI-014.

Respectfully submitted,

Date: June 10, 2009 By: Bret E. Field, Reg. No. 37,620/
Bret E. Field
Registration No. 37,620

BOZICEVIC, FIELD, & FRANCIS, LLP.
1900 University Avenue, Suite 200
East Palo Alto, CA 94303
USA
Telephone: (650) 327-3400
Facsimile: (650) 327-3231